

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RICHARD KELLY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:15-cv-01529-TWP-TAB
	)	
PAUL TALBIT, M.D.,	)	
HOUMAN KIANI, M.D.,	)	
	)	
Defendants.	)	

**Entry Granting Motion to Proceed *in forma pauperis*,  
Discussing Complaint, and Directing Further Proceedings**

**I.**

The plaintiff's request to proceed *in forma pauperis* [dkt 3] is **granted**. The assessment of an initial partial filing fee is not feasible at this time.

**II.**

Because the plaintiff is a "prisoner" as defined by 28 U.S.C. ' 1915(h), the complaint is subject to the screening requirement of 28 U.S.C. § 1915A(b). Pursuant to this statute, "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007). To survive a motion to dismiss, the complaint "must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. . . . A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (quotations omitted). Pro se complaints such as that filed by the plaintiff, are construed liberally and held to a

less stringent standard than formal pleadings drafted by lawyers. *Erickson*, 551 U.S. at 94; *Obriecht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

Based on the foregoing, the plaintiff's complaint shall proceed as follows: The claims that defendants Dr. Paul Talbit and Dr. Houman Kiani have failed to treat Mr. Kelly for his spine and hip damage and degenerative bone disease **shall proceed as a claim** that these defendants have exhibited deliberate indifference to his serious medical needs in violation of the Eighth Amendment to the United States Constitution.

### III.

The **clerk is designated** pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendants Talbit and Kiani in the manner specified by Rule 4(d). Process shall consist of the amended complaint, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

**IT IS SO ORDERED.**

Date: 10/2/2015

Distribution:

Richard Kelly  
860033  
Pendleton Correctional Facility  
Electronic Service Participant – Court Only

Dr. Paul Talbit  
Dr. Houman Kiani

Both at:  
Corizon Health  
9245 N. Meridian, Ste. 120  
Indianapolis, IN 46204



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana